

Interview Summary

Application

09/788,351

Applicant(s)

USUI ET AL.

Examiner

Walter B Aughenbaugh


Art Unit

1772

All participants (applicant, applicant's representative, PTO personnel):

(1) Walter B Aughenbaugh (USPTO)

(2) Harold Pyon (USPTO)

(3) Jeffrey A. Schmidt 

(4) Natalya Dvorson NO

Date of Interview: 4/1/03

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: all of record

Identification of prior art discussed: Hayashi

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Discussed prior art (Hayashi) versus invention. Discussed proposed amendments.

Discussed 112 issues and range issue (claim claims narrower range, 3-55 sec, but prior art nonetheless teaches a range of 5-10,000 seconds)

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

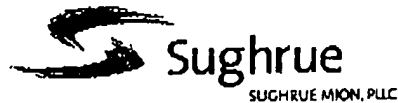
A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**FAX**

Date April 11, 2003

To Walter Aughenbaugh

Of U.S. Patent and Trademark Office

Fax (703) 746-9005

From Jeffrey A. Schmidt
Natalya Dvorson

Subject Proposed Topics for Discussion for Examiner Interview

Our Ref Q61689

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(including cover sheet)

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Proposed Topics for Discussion for Examiner Interview

Serial No.: 09/788,351

Atty. Docket No.: Q61689

Applicant's representative respectfully suggests the following topics for discussion for the interview on Monday, April 14, 2003. It is Applicant's intention that such an interview will lead to an agreeable resolution to the outstanding rejection of claims 1-18.

- 1) Applicants have argued that claims 1, 2, 7 and 13 are not indefinite for failure to recite the physical shape and/or the structure of the packaging material.**

A. With respect to claim 2, Applicants propose the following amendment:

- 2. (Currently amended) A package sheet structure comprising:**

at least one planographic printing plate having an imaging surface for feeding through an automatic plate feeding mechanism; and

a packaging material packaging the printing plate, the packaging material having opposing surfaces, with one surface contacting the imaging surface of the printing plate, and the opposing surface having a Bekk smoothness from 3 seconds to 55 seconds.

B. With respect to claims 1, 7 and 13, Applicant would appreciate the opportunity to discuss the need for claiming physical shape and structure when claiming a chemical composition.

- 2) Applicant would further appreciate the opportunity to discuss differences that exist between the subject application as set forth in claims 1, 2, 7 and 13 and the asserted prior art reference, Hayashi.**

A. With respect to claims 1 and 7, Applicants propose the following amendments:

- 1. (Currently Amended) A material for packaging a planographic printing plate, wherein the planographic printing plate includes an imaging surface**

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having a coating film and is to be fed through an automatic plate-feeding mechanism, the material comprising opposing surfaces, one surface being for contacting the imaging surface of a printing plate when the material is used for packaging the printing plate, and the opposing surface having a Bekk smoothness from 3 seconds to 55 seconds.

7. (Currently Amended) A material for packaging a planographic printing plate, wherein the planographic printing plate includes a coating film, the material comprising a contact surface which contacts the coating film of a printing plate when the material is used for packaging the printing plate, the contact surface having a Bekk smoothness from 3 seconds to 900 seconds, and a noncontact surface opposing the contact surface.

B. The difference in ranges between the present application as set forth in claims 1, 2, 7 and 13 and the prior art reference, Hayashi.

C. The problems addressed by the present application as set forth in claims 1, 2, 7 and 13 and the problems addressed in Hayashi.

D. Hayashi's ranges as they relate to claims 1 and 2 (see MPEP § 2131.03). Hayashi only teaches specific values of 360, 600 and 720.

E. Surprising results. It is conventionally held that smooth surfaces rather than rough surfaces are preferable for preventing unwanted peeling.

Yours truly,

**Jeffrey A. Schmidt,
Natalya Dvorson
(202) 857-3228**